



**MINUTES OF SPECIAL JOINT MEETING OF THE  
CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC  
FINANCING AUTHORITY OF THE CITY OF HAYWARD**  
City Council Chambers, 777 B Street, Hayward, CA 94541  
Tuesday, May 4, 2004, 8:00 p.m.

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**MEETING**

The Special Joint City Council/Redevelopment Agency/Hayward Public Financing Authority Meeting was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA/HPFA Member Jimenez.

**ROLL CALL**

Present: COUNCIL/RA/HPFA MEMBERS Jimenez, Quirk,  
Halliday, Ward, Dowling, Henson  
MAYOR/CHAIR Cooper

Absent: None

**PUBLIC COMMENTS**

Jason Moreno spoke about the news report regarding the number of sex offenders residing in Hayward, looking for alternative ways to reduce spending, and how he would like the waste management contract to be put out to bid when the current contract period ends with Waste Management.

Ed Bogue, as a participant of the Oakland Airport Community Noise Management Forum, spoke regarding noise standards for the municipalities in the surrounding environs of the Oakland International Airport, and added that the Proposed Stage 4 Aircraft Noise Standards will directly impact Hayward. He submitted a copy of a letter from the Forum to the U.S. Department of Transportation in Washington, D.C., providing comments on the proposed Stage 4 noise limits, and asked that Council consider drafting a letter to our elected federal officials to put pressure on the bureaucracy to make some changes. He was hoping that at stage 4 levels, noise at ground level would be reduced as we are locked into approaches and cannot do much more than reduce the amount of noise coming from the source. He elaborated on what a Fremont neighborhood had prepared, noting that Hayward has the same approach as the Fremont neighborhood for many of the incoming flights to Oakland.

Mayor Cooper asked the City Manager if this was something that the Airport Committee should review and address. City Manager Armas said that staff would pass the information on.

Rev. Bob Mathews, Director, Community Healing Network based in Hayward, spoke about the national and local healthcare concern that over 44 million Americans are without any kind of health insurance. He stated that May 10-16 has been designated as, "Cover the Uninsured Week." They are working to raise awareness of the lack of health insurance among Hayward residents, leading to poor or no prenatal care, many emergency room visits, and increases in the amount and severity of chronic and acute illnesses. He provided information regarding upcoming events in Hayward. There will be a prayer breakfast at 8:00 a.m., Tuesday, May 11, First United Methodist Church, 1138 B Street, and a Community Forum on Health Access will be held on Thursday, May 13, 6:00 p.m. – 8:00 p.m.,

Southland Mall Community Room. Both events are co-sponsored by the Community Healing Network and the St. Rose Health Ministries. He provided copies of the flyers for distribution and encouraged all to participate.

Barbara Heringer-Swarr spoke about the Chabot College video forum regarding the death penalty, Thursday, May 6, Room 916, 7:00 p.m. - 9:00 p.m. The forum is free and she invited all to participate. She mentioned that she is developing a series regarding globalization and privatization and invited Council Members to participate. She spoke about City funds and debt, and the funds of the Redevelopment Agency.

## **CONSENT**

Item 4 was removed for separate consideration.

1. Approval of Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency/Hayward Public Financing Authority of April 27, 2004

It was moved by Council/RA/HPFA Member Quirk, seconded by Council/RA/HPFA Member Dowling, and unanimously carried to approve, with the submitted corrections, the minutes of the Special Joint Meeting of the City Council/Redevelopment Agency/Public Financing Authority of April 27, 2004.

2. Authorization for Execution of a Professional Services Agreement for Workers' Compensation Claims Administration Services

Staff report submitted by Human Resources Director Perrin-Scales, dated May 4, 2004, was filed.

It was moved by Council Member Quirk, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 04-062, "Resolution Authorizing the City Manager to Execute an Agreement for Workers' Compensation Claims Administration Services"

3. Tennyson Road Median Landscape Improvements: Approval of Addendum and Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated May 4, 2004, was filed.

It was moved by Council Member Quirk, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 04-063, "Resolution Approving Addendum No. 1 and Awarding Contract to Pacheco Brothers Gardening, Inc., for the Tennyson Median Landscape Improvements Project, Project No. 6962"



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4. Approval of Plans and Specifications and Call for Bids for the Water System Chloramine Conversion Project Phase II

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated May 4, 2004, was filed.

Council Member Henson asked for further clarification regarding the safety factors and the use of Chloramine for water treatment. Director of Public Works Butler responded and elaborated on the use of Chloramine as a disinfectant rather than Chlorine for treating Hayward water and he noted that the impact is minimal. The health issue only relates to people on dialysis, and the Chloramine has to be removed prior to people going through the process, that is all coordinated with the providers. The chloramination process has been scientifically proven to be safer as it produces less toxic byproducts than chlorinization.

It was moved by Council Member Henson, seconded by Council Member Ward, and unanimously carried to adopt the following:

Resolution 04-064, "Resolution Approving Plans and Specifications for Construction of the Water System Chloramine Conversion Project Phase II, Project Nos. 7022 and 7158, and Call for Bids"

## **HEARINGS**

5. Hearing on Report and Assessment for Residential Rental Inspection Fees Past Due

Staff report submitted by Senior Housing Inspector Bragg, dated May 4, 2004, was filed.

Senior Housing Inspector Bragg presented the staff report noting that items 6, 10, 13, 15, and 20 have been deleted as they have been paid, and the property at 650 Harris Road, Vicente Lopez property owner, had been added back to lien list as payment was made by a check that was returned due to insufficient funds in the account.

Mr. Bragg responded to questions from Council Member Henson who expressed concern regarding the extensive listing of charges related to property at 771 Memorial Lane, number 27 on the list, totaling almost \$2,700. In response, Mr. Bragg stated that the fees have accumulated over 2 years. Many attempts have been made to resolve the problem, meetings in person with the property owner have taken place, numerous phone calls have been made, and correspondence has been sent, but the owner is reluctant to resolve the matter.

Council Member Ward asked City Attorney O'Toole about further action that can be taken after numerous efforts to resolve the matter fail. City Attorney O'Toole stated that if the department were to request assistance it is possible to obtain warrants for inspections.

Council Member Ward noted that there were few members in the audience as compared to the past and asked if it was the direct result of property owners being notified and adhering to the rules and the regulations. Mr. Bragg stated that owners know that the City and the Council is serious about taking care of the property, staff has been aggressive in following up with owners, and that a combination of education and enforcement has been effective.

City Manager Armas noted that a few months ago, in order to improve the rental inspection program, the Council reviewed the process, working with a group of landlord and tenants, and the City was able to streamline some things which has also had a beneficial effect.

Mayor Cooper opened the public hearing at 8:29 p.m.

Cliff Wood, Affordable Property Manager for property at 27069 Belvedere Court, representing property owner Dominic Ng, stated that the property inspections process is unfair and that most homes would not be able to pass these property inspections and that the property he represents is habitable. The inspections are nitpicky, citing such things as light bulbs that need to be replaced and stains on the floor. He objected to being overcharged for inspections and stated that he was billed for 6 units that had violations, but only 3 had been reinspected.

Council Member Ward asked Mr. Wood if his concern was that he feels the rules that have been established by Council were not fair or reasonable. Mr. Wood responded that the inspectors go overboard and are nitpicking things. He added that it is difficult to maintain the properties at expected level in the low-income area, where rents are down. Mr. Wood stated that he manages additional properties on the same street.

Council Member Dowling asked Mr. Wood if he was given a checklist of items and if anything that was cited was not on the list. Mr. Wood responded that he was given the checklist and there were citations for cosmetic items that are on the list.

Mr. Bragg stated that were numerous items noted on the checklist besides the light bulbs, such as deteriorating fencing where nails are exposed, a deteriorated bathroom floor, problems with a shower stall and balcony, holes in the kitchen linoleum which create a tripping hazard. The entire complex was inspected, and violations were found in 5 of the units.

The Mayor called on Rajesh Khatri, but it was noted that his item was not being considered at this time as it is a community preservation item.

Timothy May, Executive Director of the Rental Housing Owners Association (RHO) of Southern Alameda County, stated that his agency is serious about inspection especially related to habitability. He commented on past inspection fees and noted that of the owners and managers on the list, none are members of RHO. He added that the RHO has been involved in this process to make it more streamlined. There are a lot of repeat inspections listed, and apartment owners are not meeting obligations regarding habitability. RHO is willing to help to resolve the issues, attempting to do outreach to these property owners and he offered assistance in the matter.



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Mayor Cooper closed the public hearing at 8:40 p.m.

Mayor Cooper stated that most of the members of Council believe in the rental inspection program, that there is little chance of it being abolished. It is because of the existence of the lien list that Council has worked hard with staff so that owners know that when an inspector comes, they will be looking for various things. It is important that people not only live in safe surroundings, but quality surroundings. It is the responsibility of the property owner to maintain a quality product.

Council Member Henson, following up on Council Member Ward's comments, inquired about the possibility of doing something more to avoid the continuous situations.

City Manager Armas noted that when there are items that are of risk to health and safety, those items are promptly taken care of. There may be items that are not in that category, where the property owner has requested more time to deal with it, and inspectors are required to go back again. When the Council reviewed the program, the fee structure was set to be higher for each recurrent visit as an incentive to get more timely compliance. That is why the accumulation is different in this category than what might have been previously presented. He added that a report will be forthcoming in the near future with results of the revision of the program which would be a good time to deal with some of the issues that have been raised.

In response to Mayor Cooper's inquiry about failure of an inspector to show up for an inspection appointment, City Manager Armas replied that it is something staff tries to avoid, they do a pretty good job at that, including providing a block of time for the inspection.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to accept staff's recommendation and adopt the following:

Resolution 04-065, "Resolution Confirming the Report and Assessment of Overdue Residential Rental Inspection Fees for Calendar Year 2003"

6. Hearing on Report and Assessment for Community Preservation Fees Past Due

Staff report submitted by Senior Community Preservation Inspector Mork, dated May 4, 2004, was filed.

Community and Economic Development Manager Bauman made staff report. She noted that there is one change to the list, item 5, 453 B Street, property owner Vasco DaCosta has paid in full.

Mayor Cooper opened the public hearing at 8:49 p.m.

Rajesh Khatri, owner of properties at 29501 and 29565 Ruus Road, 1551 and 1533 Industrial Parkway, items 14, 15, 16, 17 on the lien list, stated that he believed he was being charged unfairly. He was required to put landscaping on the property. He stated that the landscape plans go back to the 80s, but no landscape plans could be found on file with the City. He had to leave the country for 3 months. He has hired landscape architect Wes Sakamoto, who is currently working on plans. He admitted receiving notices from the City, but felt the costs were excessive since he was not at fault.

When photos were shown of the properties in question, Council Member Dowling asked Mr. Khatri if he thought the property acceptable. Mr. Khatri agreed it was not, but stated that the property no longer looked like that. Council Member Dowling stated that he lives in that area and has noted no real improvement.

Gholamreza Radpay, owner of mechanic shop at 28495 Mission Boulevard, number 33 on the list, property owner Aimee L. West, stated that he had proof that he removed the 3 cars in question on September 17. Ms. Bauman stated that the issue is of subsequent violation in the same year. The vehicles reappeared for sale on Monticello Street. The fee of \$351 is the standard for subsequent violations within a 12-month period. She added that there was a typo in the original letter that was sent regarding the violation, but a second letter was issued with the correction. The subsequent violation still occurred within the 12 month period.

Alva Antonini, owner of properties at 913 and 1004 B Street, items 1 and 7 on the list, stated that she is a Hayward homeowner and owner of commercial property in the downtown area and is interested in preserving and restructuring the downtown area. She stated that some of the mailing addresses on the list are incorrect and she does not always get property related notices from the City. She stated that the downtown area has poor security and the windows have been shot through. She knows windows are missing in the back. She has gotten estimates about \$12,000 to \$15,000 to replace the windows. She has replaced some other windows at great expense. She plans to paint the building at 913 B Street. Every time someone comes out she is charged a reinspection fee, she feels the fees are exorbitant.

Regarding the property at 1004 B Street, she felt she was not given sufficient time to do the required work. She did remove the sign, but not within the time period that was given.

Council Member Dowling noted the prominence of the buildings and asked what the plans are for the building, about the required masonry seismic reinforcement, and possible plans for selling the buildings. Ms. Antonini replied that it is their intention to rent the building, but anytime the City has been approached for a use, they have been turned down. Regarding the reinforcement issue, she stated she did not know about this, it was something her husband would have to respond to. She indicated that they were not interested in selling the larger building.

Council Member Dowling informed Ms. Antonini that if the property addresses are not correct that she needs to inform the County Assessor as that is where the City gets the information.



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Council Member Henson asked for further clarification of violations that have been addressed. Ms. Antonini replied that as far as she was aware, it was just the windows of the back of 913 B Street which still need to be fixed.

Ms. Bauman reported it is the boarded up windows in front, broken windows in back, peeling paint all over the building. The front door was fixed. Ms. Antonini reiterated that she is getting bids on windows in back, plans to paint the front, and she intends to apply for façade money to change the front and at which time the windows will be replaced.

Jason Moreno offered his support for either voiding or reducing fees for Mr. and Mrs. Antonini, stating that they are very much involved in community. In 1997, at great personal expense, they provided money to fund the Hidden Hills Tennis Club. He stated because of their personal sacrifice they were due a break.

Ronnie Jones, property owner at 24386 Silva Avenue, item 12 on the list, stated that he allowed a friend to store things in his back yard for a 2-week period which turned out to be 2 years. He stated that he works 7 days week for a truck company, and he was not sure when the inspection occurred and about the failure. Ms. Bauman noted that the first inspection took place April 4, with a reinspection date on May 9. There were numerous phone attempts and information was provided to the property owners regarding the City's Senior Help Fund for abating the debris. The Jones' were only charged for one failed inspection, although the case continued from April 2003 to April 2004. The property is now clean. Mrs. Jones claimed that every time the inspector came that she complied, but another violation was noted. Mr. Jones stated that he is in the process of refinancing and plans to finish cleaning up everything then, all that remains is the patio area. He added that he believes in keeping the community safe and clean, too, that he respects his neighbors as well as everybody else.

Mayor Cooper closed the public hearing at 9:12 p.m.

In response to Mayor Cooper's inquiry regarding arrangements for payment, Ms. Bauman stated that payment over time can be arranged with the Revenue Division. City Manager Armas noted that this is a 3-month process and payments can be made up until mid-July, with the final report to be filed with the County Assessor in August.

It was moved by Council Member Ward, seconded by Council Member Quirk, and unanimously carried to accept staff's recommendation and adopt the following:

Resolution 04-066, "Resolution Confirming the Report of the Enforcement Officer for Public Nuisance and Abatements from Certain Properties in the City of Hayward in Connection with the Community Preservation Program for 2003"

## 7. Hearing on Report and Assessment for Weed Abatement Fees Past Due

Staff report submitted by Senior Community Preservation Inspector Mork, dated May 4, 2004, was filed.

Mayor Cooper opened and closed the public hearing at 9:14 p.m.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to accept staff's recommendation and adopt the following:

Resolution 04-067, "Resolution Confirming the Report of the Enforcement Officer for Weed, Rubbish, and Litter Abatement from Certain Properties in the City of Hayward in Connection with the Weed Abatement Program for 2003"

### **COUNCIL REPORTS**

Council Member Quirk stated that he had the opportunity to participate in the California League of Cities training program for new city council members. He thanked Council for setting aside funds for the purposes of training. He learned from other participants that Hayward has a great city council compared to other cities, noting that even when there is disagreement, council members come back to work together. He noted that he would no longer participate as a voting member in the Friends of the Library, but would remain involved in an advisory capacity. (Mayor Cooper suggested that Council Member Quirk consult with City Attorney O'Toole to ensure there would be no conflict.) Council Member Quirk noted that the public comments portion of the agenda is handled differently with a number of cities allowing council members to respond briefly and that it might be a good idea to have this noted as part of our policy. In addition, he stated that he has asked City Attorney O'Toole to provide him with information regarding fencing in other municipalities as that subject is a major topic of interest for many cities, and there are many different types of policies regarding that matter. He suggested that it might be of benefit for Council to participate in a retreat, as other cities do when there is fair amount of change to the make up of the Council. Mayor Cooper agreed with the suggestion regarding the benefit of a Council retreat.

Council Member Henson stated that he was proud and delighted to announce that several talented Hayward students had participated and received awards in the Alameda County Waste Management Recreate Art Show and Competition, all based on recycled materials, currently on display in San Leandro. He wanted to acknowledge and congratulate the following Hayward recipients: Sammy Jo Burchak, First Place \$250 grades 9-12, Moreau High School, project titled, "Protect Mom;" Erica Goita, Honorable Mention grades 9-12, Moreau High School, project titled, "Sour Milk;" and, Hayward Highland's 5<sup>th</sup> Grade Class, teacher Mr. Gerald Reyes, in the All Ages Collaboration, First Place \$250, project titled, "One Person's Trash is Another One's Treasure.



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**ADJOURNMENT**

Mayor Cooper adjourned the meeting at 9:23 p.m.

APPROVED:

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Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency/Public Financing Authority

ATTEST:

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Connie G. Macias, Acting City Clerk, City of Hayward  
Acting Secretary, Redevelopment Agency/Public Financing Authority